

SENATE AMENDMENTS

2nd Printing

By: Harless

H.B. No. 2859

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the amount of money authorized to be used for Clean Air
3 Act local initiative projects related to vehicles.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 382.220(d), Health and Safety Code, is
6 amended to read as follows:

7 (d) Fees collected under Sections 382.202 and 382.302 may be
8 used, in an amount not to exceed \$7 [~~\$5~~] million per fiscal year,
9 for projects described by Subsection (b). The fees shall be made
10 available only to counties participating in the low-income vehicle
11 repair assistance, retrofit, and accelerated vehicle retirement
12 programs created under Section 382.209 and only on a matching
13 basis, whereby the commission provides money to a county in the same
14 amount that the county dedicates to a project authorized by
15 Subsection (b). The commission may reduce the match requirement
16 for a county that proposes to develop and implement independent
17 test facility fraud detection programs, including the use of remote
18 sensing technology for coordinating with law enforcement officials
19 to detect, prevent, and prosecute the use of counterfeit state
20 inspection stickers.

21 SECTION 2. This Act takes effect September 1, 2013.

ADOPTED

MAY 22 2013

Atty Gen Paul
Secretary of the Senate

Paul Paul

By: _____

_____.B. No. _____

Substitute the following for _____.B. No. _____:

By: *Robert Lee Nichols*

C.S.# _____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.220(d), Health and Safety Code, is amended to read as follows:

(d) Fees collected under Sections 382.202 and 382.302 may be used~~[7]~~ in an amount not to exceed \$7 [~~\$5~~] million per fiscal year~~[7]~~ for projects described by Subsection (b), of which \$2 million may be used only for projects described by Subsection (b)(4). The remaining \$5 million may be used for any project described by Subsection (b). The fees shall be made available only to counties participating in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs created under Section 382.209 and only on a matching basis, whereby the commission provides money to a county in the same amount that the county dedicates to a project authorized by Subsection (b). The commission may reduce the match requirement for a county that proposes to develop and implement independent test facility fraud detection programs, including the use of remote sensing technology for coordinating with law enforcement officials to detect, prevent, and prosecute the use of counterfeit state inspection stickers.

SECTION 2. This Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 22, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2859 by Harless (Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2859, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Clean Air Account</i> 151	Probable Revenue Gain/(Loss) from <i>LIRAP Counties</i>
2014	(\$2,000,000)	\$2,000,000
2015	(\$2,000,000)	\$2,000,000
2016	(\$2,000,000)	\$2,000,000
2017	(\$2,000,000)	\$2,000,000
2018	(\$2,000,000)	\$2,000,000

Fiscal Analysis

The bill would increase the maximum funding allocation for the local initiatives projects (LIP) program administered by the Texas Commission on Environmental Quality (TCEQ), which is available to counties that participate in the low-income vehicle repair assistance, retrofit, and

accelerated vehicle retirement program (LIRAP), from \$5 million to \$7 million per year. The bill would designate that \$2 million of this amount could be used only for projects with local law enforcement officials to reduce the use of counterfeit state inspection stickers.

The bill would have an effective date of September 1, 2013.

Methodology

Current law (Health and Safety Code, Section 382.220 (d)) provides a \$5 million cap for the General Revenue-Dedicated Clean Air Account No. 151 for the LIP program. While the actual cost to the state in implementing the change proposed by the bill would depend on the amount that the 83rd Legislature would appropriate for the LIP program, this estimate assumes that if the legislature were to increase the maximum allocation for LIP from \$5 million to \$7 million that there would be a legislative intent to provide an additional \$2.0 million in annual funding specifically for LIPs in conjunction with local law enforcement officials to reduce the use of counterfeit state inspection stickers. If the legislature would decide to increase the maximum allocation for the LIP program and not provide any additional appropriations, there would be no cost.

No significant administrative costs to the TCEQ are expected as a result of the bill's passage. This estimate assumes that the TCEQ would be able to absorb any additional costs regardless of the level of appropriations for the LIP program, since the funds are effectively passed through to local governments.

Local Government Impact

Counties participating in the LIRAP program would be the direct recipients of any additional funding appropriated to the TCEQ for the LIP program as a result of the bill's passage. The amount any single local entity would receive would depend on the allocation the TCEQ would make to each county, which is expected to be in proportion to the revenue each county contributes to the LIRAP revenue stream.

Source Agencies: 582 Commission on Environmental Quality, 304 Comptroller of Public Accounts

LBB Staff: UP, SD, TL, SZ, ZS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 18, 2013

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2859 by Harless (Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2859, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Clean Air Account</i> 151	Probable Revenue Gain/(Loss) from <i>LIRAP Counties</i>
2014	(\$2,000,000)	\$2,000,000
2015	(\$2,000,000)	\$2,000,000
2016	(\$2,000,000)	\$2,000,000
2017	(\$2,000,000)	\$2,000,000
2018	(\$2,000,000)	\$2,000,000

Fiscal Analysis

The bill would increase the maximum funding allocation for the local initiatives projects (LIP) program administered by the Texas Commission on Environmental Quality (TCEQ), which is

available to counties that participate in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program (LIRAP), from \$5 million to \$7 million per year. The bill would designate that \$2 million of this amount could be used only for projects with local law enforcement officials to reduce the use of counterfeit state inspection stickers.

The bill would have an effective date of September 1, 2013.

Methodology

Current law (Health and Safety Code, Section 382.220 (d)) provides a \$5 million cap for the General Revenue-Dedicated Clean Air Account No. 151 for the LIP program. While the actual cost to the state in implementing the change proposed by the bill would depend on the amount that the 83rd Legislature would appropriate for the LIP program, this estimate assumes that if the legislature were to increase the maximum allocation for LIP from \$5 million to \$7 million that there would be a legislative intent to provide an additional \$2.0 million in annual funding specifically for LIPs in conjunction with local law enforcement officials to reduce the use of counterfeit state inspection stickers. If the legislature would decide to increase the maximum allocation for the LIP program and not provide any additional appropriations, there would be no cost.

No significant administrative costs to the TCEQ are expected as a result of the bill's passage. This estimate assumes that the TCEQ would be able to absorb any additional costs regardless of the level of appropriations for the LIP program, since the funds are effectively passed through to local governments.

Local Government Impact

Counties participating in the LIRAP program would be the direct recipients of any additional funding appropriated to the TCEQ for the LIP program as a result of the bill's passage. The amount any single local entity would receive would depend on the allocation the TCEQ would make to each county, which is expected to be in proportion to the revenue each county contributes to the LIRAP revenue stream.

Source Agencies: 582 Commission on Environmental Quality, 304 Comptroller of Public Accounts

LBB Staff: UP, TL, SZ, ZS

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2859 by Harless (Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2859, As Engrossed: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Clean Air Account</i> 151	Probable Revenue Gain/(Loss) from <i>LIRAP Counties</i>
2014	(\$2,000,000)	\$2,000,000
2015	(\$2,000,000)	\$2,000,000
2016	(\$2,000,000)	\$2,000,000
2017	(\$2,000,000)	\$2,000,000
2018	(\$2,000,000)	\$2,000,000

Fiscal Analysis

The bill would increase the maximum funding allocation for the local initiatives projects (LIP) program administered by the Texas Commission on Environmental Quality (TCEQ), which is available to counties that participate in the low-income vehicle repair assistance, retrofit, and

accelerated vehicle retirement program (LIRAP), from \$5 million to \$7 million per year.

The bill would have an effective date of September 1, 2013.

Methodology

Current law (Health and Safety Code, Section 382.220 (d)) provides a \$5 million cap for the General Revenue-Dedicated Clean Air Account No. 151 for the LIP program. While the actual cost to the state in implementing the change proposed by the bill would depend on the amount that the 83rd Legislature would appropriate for the LIP program, this estimate assumes that if the legislature were to increase the maximum allocation for LIP from \$5 million to \$7 million that there would be a legislative intent to provide an additional 25 million in annual funding for local initiatives. If the legislature would decide to increase the maximum allocation for the LIP program and not provide any additional appropriations, there would be no cost.

No significant administrative costs to the TCEQ are expected as a result of the bill's passage. This estimate assumes that the TCEQ would be able to absorb any additional costs regardless of the level of appropriations for the LIP program, since the funds are effectively passed through to local governments.

Local Government Impact

Counties participating in the LIRAP program would be the direct recipients of any additional funding appropriated to the TCEQ for the LIP program as a result of the bill's passage. The amount any single local entity would receive would depend on the allocation the TCEQ would make to each county, which is expected to be in proportion to the revenue each county contributes to the LIRAP revenue stream.

Source Agencies: 304 Comptroller of Public Accounts, 582 Commission on Environmental Quality

LBB Staff: UP, SZ, ZS, TL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 8, 2013

TO: Honorable Patricia Harless, Chair, House Committee on Environmental Regulation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2859 by Harless (Relating to the amount of money authorized to be used for Clean Air Act local initiative projects related to vehicles.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2859, As Introduced: an impact of \$0 through the biennium ending August 31, 2015.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	\$0
2015	\$0
2016	\$0
2017	\$0
2018	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Clean Air Account</i> 151	Probable Revenue Gain/(Loss) from <i>LIRAP Counties</i>
2014	(\$5,000,000)	\$5,000,000
2015	(\$5,000,000)	\$5,000,000
2016	(\$5,000,000)	\$5,000,000
2017	(\$5,000,000)	\$5,000,000
2018	(\$5,000,000)	\$5,000,000

Fiscal Analysis

The bill would increase the maximum funding allocation for the local initiatives projects (LIP) program administered by the Texas Commission on Environmental Quality (TCEQ), which is available to counties that participate in the low-income vehicle repair assistance, retrofit, and

accelerated vehicle retirement program (LIRAP), from \$5 million to \$10 million per year.

The bill would have an effective date of September 1, 2013.

Methodology

Current law (Health and Safety Code, Section 382.220 (d)) provides a \$5 million cap for the General Revenue-Dedicated Clean Air Account No. 151 for the LIP program. While the actual cost to the state in implementing the change proposed by the bill would depend on the amount that the 83rd Legislature would appropriate for the LIP program, this estimate assumes that if the legislature were to increase the maximum allocation for LIP from \$5 million to \$10 million that there would be a legislative intent to provide an additional \$5 million in annual funding for local initiatives. If the legislature would decide to increase the maximum allocation for the LIP program and not provide any additional appropriations, there would be no cost.

No significant administrative costs to the TCEQ are expected as a result of the bill's passage. This estimate assumes that the TCEQ would be able to absorb any additional costs regardless of the level of appropriations for the LIP program, since the funds are effectively passed through to local governments.

Local Government Impact

Counties participating in the LIRAP program would be the direct recipients of any additional funding appropriated to the TCEQ for the LIP program as a result of the bill's passage. The amount any single local entity would receive would depend on the allocation the TCEQ would make to each county, which is expected to be in proportion to the revenue each county contributes to the LIRAP revenue stream.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: UP, SZ, ZS, TL